

Scottish Parliament Stage 1 Debate: Air Weapons and Licensing (Scotland) Bill

This briefing paper is designed to inform and support MSPs participating in the Stage 1 debate on the Air Weapons and Licensing (Scotland) Bill. It relates to Part 2 of the bill on alcohol licensing.

Key points

- Empirical evidence shows that increasing access to alcohol is linked to a range of alcohol-related harms. In Scotland, as alcohol has become more affordable and more available, alcohol-related harm has increased.
- Alcohol licensing serves an important public interest purpose by mitigating the risks of harm associated with alcohol consumption through managing and controlling the availability of alcohol.
- While Alcohol Focus Scotland supports the general principles of the Air Weapons and Licensing (Scotland) Bill, the Bill as introduced is a missed opportunity to establish much needed transparency and accountability in the alcohol licensing process.
- We support the Local Government and Regeneration Committee's recommendation that licensing boards should be required to annually report on how they have promoted the five licensing objectives and applied their policy statements, and to publish licensing data. This will support greater scrutiny of the public interest purpose of licensing, and empower communities and other stakeholders to more effectively engage in the licensing process.

Background: the public interest purpose of alcohol licensing

Alcohol is not an ordinary commodity. It is a toxic, intoxicating, dependence-inducing drug. Despite a recent decline, alcohol consumption in Scotland remains at historically high levels, with alcohol sales 17% higher than in England and Wales.¹ As consumption has risen, so too has alcohol-related harm; there has been a 300% increase in alcoholic liver disease mortality over the past 30 years in Scotland. Recent research found Scottish neighbourhoods with the highest number of licensed premises had alcohol-related death rates more than double the rates in those with the fewest outlets.² Alcohol-related harms are disproportionately experienced by more deprived populations/communities and alcohol is an important contributor to health inequalities. Overall, alcohol harm has been estimated to cost Scotland £3.6 billion a year in health, social care, crime, productive capacity and wider societal costs.³

International evidence clearly indicates that increasing price and reducing availability are amongst the most effective policy measures to reduce alcohol consumption and harm in a population.⁴ The licensing regime in Scotland, underpinned by five licensing objectives, therefore plays an important preventative role in mitigating potential harms, by regulating where and when alcohol is available. However, the extent to which the licensing regime is meeting its public interest purpose is debatable; in 2013-14, 444 new licences were granted in Scotland and only 14 were refused.⁵

Transparency and accountability

Overall, the Licensing (Scotland) Act 2005 has much to commend it, particularly in creating a policy-led process for alcohol licensing in Scotland. However, given the public interest purpose that underpins alcohol licensing, one of the key weaknesses of the 2005 Act is its failure to create robust mechanisms for ensuring the transparency and accountability of the licensing process.

¹ Beeston C et al (on behalf of the MESAS project team) [Monitoring and Evaluating Scotland's Alcohol Strategy. Fourth Annual Report](#). Edinburgh: NHS Health Scotland; 2014

² [Relationship between alcohol outlet density and alcohol related harm: Scotland Factsheet](#), Alcohol Focus Scotland 2014

³ York Health Economics Consortium (2010) [The Societal Cost of Alcohol Misuse in Scotland for 2007](#), Edinburgh: Scottish Government

⁴ Babor T et al (2010) *Alcohol: no ordinary commodity*, Oxford Medical Publications.

⁵ [Statistical Bulletin Crime and Justice Series: Scottish Liquor Licensing Statistics 2013-14](#), Scottish Government, 2015

A significant number of licensing boards failed to publish their licensing policy and overprovision statements within required timescales⁶. This creates uncertainty for all interested parties (the licensed trade, communities, Licensing Standards Officers, police, and health alike), undermines confidence about the consistency of decision-making, and potentially leaves boards more open to legal challenge. There is also no formal mechanism for a licensing board's decisions to be measured against its policies as boards are not required to report on how they are translating their policies into practice. Therefore the ability to determine how licensing boards are serving their public interest purpose is significantly limited.

We support the recommendation made by the Local Government and Regeneration Committee that licensing boards should be required to annually report on how they are applying their policies and promoting the licensing objectives. Annual reporting would enable greater scrutiny of the licensing process and increased monitoring of its potential impact in local areas. A requirement to annually report would bring licensing boards in line with other bodies undertaking public functions, including local planning boards. We hope amendments on this issue will be brought forward at Stage 2.

Publication of data

The 2005 Act requires each licensing board to keep a public licensing register containing information relating to premises licences, personal licences and occasional licences, and information relating to boards' decisions. However, the type of information that must be published, and the format in which it is produced, is not sufficient to allow monitoring of the licensing process. For example, despite the fact that the law defines overprovision in terms of the number and capacity of licensed premises, statistics on capacity are not routinely reported. In addition, Alcohol Focus Scotland was recently able to locate only 16 publicly available registers covering 19 of the 40 licensing board areas.

We support the recommendation in the Stage 1 report that licensing boards must publish licensing data as part of their recommended annual reporting. It is difficult to see how a licensing board can be held to account for its decisions in the absence of comprehensive licensing data, particularly aggregate data, being publicly available. We are especially concerned that the current lack of data impedes participation in the licensing process by key stakeholders such as communities and health boards, particularly in relation to overprovision. It is difficult for these stakeholders to effectively scrutinise and provide input to the licensing process if they cannot easily ascertain how many licences are in force, where these are located, what type of premises they are, and what their capacity is.

Overprovision

Assessing overprovision is an important tool for managing alcohol availability; licensing boards can refuse applications if they consider there is sufficient, or over-provision of alcohol in an area. AFS supports the clarification provided by the Bill that a licensing board may, if it wishes, declare the whole board area overprovided. This flexibility will help licensing boards be more responsive to different types of alcohol harms, particularly health harms. This provision does not remove boards' discretion to designate smaller localities as overprovided for or to decide there is no overprovision of outlets.

AFS also supports the Local Government and Regeneration Committee's recommendation that members' clubs and occasional licences should be included in the overprovision assessment. These add significantly to the availability of alcohol in an area; in the Scottish Borders, for example, 22% of all licensed premises are members' clubs.⁷ Their current exclusion means the overall availability of alcohol can be underestimated during overprovision assessments.

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⁶ Six months after the deadline 25 out of a possible 40 licensing policy statements were published and only 19 of these had overprovision statements.

⁷ [Scottish Borders Alcohol Profile 2013-14](#), Scottish Borders Local Licensing Forum, November 2014